



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Green River District

Price Field Office

125 South 600 West

Price, UT 84501

<http://www.blm.gov/ut/st/en/fo/price.html>



AUG 18 2015

In Reply Refer To:
3809 (UTG021)
UTU-91299

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
7014-2120-0004-6185-9727

DECISION

:
:

Marlow Peterson
P.O. Box 91
Huntington Utah 84528

RE: Notice to Conduct Exploration; Serial Number UTU-91299
Open Box Cross Exploration; T. 22 S., R. 6 E. SWSW section 34
Determination of Required Financial Guarantee Amount

Dear Mr. Peterson:

The Notice of Intent to Conduct Exploration for the Open Box Cross Exploration project was received in our office July 23, 2015. The Notice has been assigned the Bureau of Land Management (BLM) case file number UTU-91299. Please refer to this number in any future communication concerning this project.

The BLM has reviewed the Notice and determined it is complete, containing all the information required by the surface management regulations at 43 CFR 3809.301. The BLM has also reviewed the proposed operation and determined that it is adequate to prevent unnecessary or undue degradation as defined by 43 CFR 3809.5 with the following stipulations:

Conditions of Approval:

1. Applicable Laws

- a. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.

- b. The holder shall meet Federal, State, and local emission standards for air quality.
- c. The holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized BLM officer concurrent with the filing of the reports to the involved Federal agency or State government.

2. Site Specific Stipulations

- a. The operator must avoid all National Register eligible archeological/cultural sites. If any notable discovery is made the work will cease at the site until further notice by BLM. All discoveries will be reported to the BLM within 24 hours. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized BLM officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of cultural and/or significant scientific values. The holder will be responsible for the evaluation costs and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
- b. No cross-country travel is permitted.
- c. All vehicle routes must have prior right-of-way approval from BLM;
- d. The holder shall perform all operations in a good and workmanlike manner so as to ensure the environment is protected as well as the health and safety of the public.
- e. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized BLM officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
- f. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- g. The holder shall inform the authorized BLM officer within 24 hours of any accidents on federal lands.
- h. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed

monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

- i. Holder shall remove only the minimum amount of vegetation necessary. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation.
 - j. Exploration sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
 - k. No exploration activities shall be performed during periods when the soil is too wet to adequately support equipment. If such equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
 - l. A litter policing program shall be implemented by the holder.
3. Reclamation, Rehabilitation and Termination
- a. Because the disturbance can be measured in square feet, no seeding will be required; however, the holder shall prepare a seedbed by scarifying the disturbed area, distributing topsoil uniformly, or disking the topsoil.
 - b. The holder will post a Bond in an amount to be determined by the BLM and the Utah Division of Oil, Gas and Mining (UDOGM) as assurance of your intention to conduct reclamation of any surface disturbance caused during this proposed drilling program.
 - c. All agreements and stipulation associated with UDOGM permitting must be also be adhered to.

Financial Guarantee

Based on your reclamation cost estimate, the BLM review of the cost estimate, and consideration of the above conditions of approval, the required financial guarantee amount is hereby set at \$1000.00 for reclamation of the Open Box Cross Exploration project. You must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. The UDOGM will serve as the lead agency, working cooperatively with the BLM, in determining the surety amount. The UDOGM will work directly with you to secure the proper form and amount of surety. You must receive written notification

from the UDOGM approving your reclamation surety before you may begin any surface disturbing operations.

Term of Notice – Your Notice will remain in effect with the BLM for two years from the date of approval of the reclamation surety, unless you notify this office beforehand that operations have ceased and reclamation is complete. If you wish to conduct operations for another two years after the expiration date of your Notice, you must notify this office in writing on or before the expiration date as required by 43 CFR 3809.333.

Appeal of the Decision

If you do not agree and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office (440 West 200 South, Suite 500, Salt Lake City, Utah 84145-0155), no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless the State Director grants a Stay. If you request a Stay, you have the burden of proof to demonstrate that the Stay should be granted.

If the State Director does not make a decision on your request for review of the decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office (125 South 600 West, Price, Utah 84501), which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error.

If you have any questions, please call Chris Conrad at 435-636-3612.

Sincerely,

Karl Ivory

Ahmed Mohsen
Field Manager

ACTING FOR

bcc: Working File
Reading File

UTG021:CConrad:md:08/18/158:3612